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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,255	01/31/2001	Carlo Amalfitano	2479.1025-000	4337

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/773,255

Applicant(s)

AMALFITANO ET AL.

Examiner

Willie J. Daniel, Jr.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-7 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/31/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of “**ca**” used on page 18, line 11 and the “**IManage #194660\_1**” on page 18, line 14. The Examiner suggests using “**can**” for the “**ca**”.

Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

The **Detailed Description of the Invention** does not provide a “**serial no.**” on page 8, line 11. The Examiner suggests adding in the appropriate serial no.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 5, 6, and 7** are rejected under 35 U.S.C. 102(b) as being anticipated by **Dent (5,894,473)**.

In regards to **Claim 1**, Dent discloses a wireless communication system in which remote subscriber units are located in cells, and at least two cells are located adjacent one another, each cell having a base station unit that coordinates communication with remote units located within its respective cell, a method comprising the steps of: in an operating

base station, determining the existence of communications occurring in adjacent cells; and coordinating transmission of high interference communications associated with a subscriber unit in the cell associated with the operating base station with transmission of low interference communications associated with a subscriber unit in at least one of the adjacent cells as stated in **column 16, lines 2-5, 11-15, 32-64**.

In regards to **Claim 2**, Dent discloses a method as in claim 1 wherein each base station determines an expected time of low interference of communication by an adjacent base station and schedules its own high interference transmissions for such times as stated in **column 16, lines 2-5, 11-15, 32-64**.

In regards to **Claim 5**, Dent discloses a method as in claim 1 wherein Transmission scheduling is accomplished by assigning time slots to specific subscriber units, additionally comprising the step of: coordinating allocation of a time slot to a high interference communication in one base station with the allocation of a time slot for a low interference communication in an adjacent base station as stated in **column 16, line 2-5, 11-15, 32-64**.

In regards to **Claim 6**, Dent discloses a method as in claim 1 wherein the communications coordinated are reverse link signals traveling from the subscriber units towards the base stations as shown in **Fig. 12**.

In regards to **Claim 7**, Dent discloses a method as in claim 1 wherein the coordinated communications are forward link signals traveling from the base stations towards the subscriber units as shown in **Fig. 12**.

***Allowable Subject Matter***

4. **Claims 3, 4, and 8** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to **Claim 3 and 8**, the applied references fail to disclose or render the obvious, the wherein the operating base station receives a report of an expected time of high and low interference transmissions from an adjacent base station.

In regards to **Claim 4**, the applied references fail to disclose or render the obvious, the wherein operating base station receives a report of service status message from an adjacent base station, the report relayed from a subscriber unit located in the cell served by the serving base station.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Benveniste (US 6,128,498)** discloses a wireless communication system for managing of neighbor-channel interference with power control and directed channel assignment as stated in column 14 - column 15 and as shown in Figs. 6a, 6b, 6c, and 10.

**Plaschke et al. (US 6,023,622)** discloses a wireless communication system as stated in column 8, lines 4 - column 9, lines 29; column 11, lines 48 - column 12, lines 10.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-5424.

WJD,Jr.  
September 22, 2003



**NGUYENT. VO**  
**PRIMARY EXAMINER**